Haryana Government Gazette

Published by Authority

© Government of Haryana

No. 5–2026] CHANDIGARH, TUESDAY, FEBRUARY 3, 2026 (MAGHA 14, 1947 SAKA)

PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, SECTOR-17, PANCHKULA-134109

Order

The 30th January, 2026

Order under Section 13I of the Haryana Municipal Act, 1973

Subject: Proceedings regarding alleged disqualification under Section 13A (1)(h) of the Haryana Municipal Act, 1973.

No. SEC/ME/2026/152.—

1. Whereas, a complaint was received alleging that Sh. Amarnath s/o Jassu Ram, Member, Ward No. 5, Municipal Council, Mandi Dabwali, District Sirsa, Haryana, was disqualified under Section 13A(1)(h) of the Haryana Municipal Act, 1973 on the ground that the matriculation certificate submitted at the time of election was not issued by a recognized Board.

2. That the Deputy Commissioner, Sirsa, *vide* Endst. No. 16-430-III/974/LFA dated 08.12.2025, after taking cognizance of the complaint, passed the following order. The operative part of the order reads as under:

> **"After carefully going through the available record, statements recorded by the concerned parties as well as the contents derived from the complaint, it is evident that although BSTE, Bilaspur was found to have been provisionally recognized during the period from 07.11.2012 to 11.03.2014 yet the CGBSE, in compliance of the directions passed by Hon'ble High Court of Chhattisgarh on dated 14.11.2014, passed an order on dated 07.03.2015 cancelling the temporary recognition granted in favour of BSTE on the ground that grant of such equivalence was not permissible under the prevailing law. However, Sh. Amarnath, Municipal Councilor could not produce any substantial evidence in his support to the effect that he passed his 10th examination from BSTE, Bilaspur during the currency of its temporary recognition granted by CGBSE i.e. the period between 07.11.2012 to 11.03.2014 but the issuing date on certificate presented by Sh. Amarnath is 30.08.2014, the date on which the provisional recognition of BSTE, Bilaspur was suspended & was later on terminated by CGBSE by passing an order on dated 07.03.2015.**
>
> **Given that the CGBSE not only cancelled the recognition of BSTE, Bilaspur but also revoked the equivalency for the period when the certificate in question was issued and given that Sh. Amarnath did not produce any substantial evidence that he passed 10th class during the period of provisional recognition of BSTE Bilaspur, therefore, it prima facie appears that the certificate issued to Sh. Amarnath by Board of School & Technical**

Education (C.G.) is fake and the case is recommended to the State Election Commission Haryana to take appropriate action as per provisions made under Section 13-A of the Haryana Municipal Act, 1973 as well as under Rule 21 (p) of the Haryana Municipal Elections Rules, 1978."

3. The matter was examined by the Commission in exercise of its powers under Section 13I of the Act, and an opportunity of hearing was duly afforded to Sh. Amarnath on 27.01.2026.On due date Sh. Amarnath along with his counsel appeared and filed his submissions.

4. Upon examination of the material on record, it is found that Sh. Amarnath had passed the matriculation examination in the year 2014 from the Board of School and Technical Education, Chhattisgarh. The order dated 11.03.2014 withdrawing recognition of the said Board was set aside on 14.11.2014 by the Hon'ble Chhattisgarh High Court in W.P.(C) No. 604 of 2024 and other connected matters, rendering the said withdrawal order ineffective.

5. It is further observed from the letter dated 11.12.2020 issued by the General Secretary, Council of Boards of School Education in India (COBSE) as follows in the para 7 of the aforesaid letter :-

"The Secretary, Board of Secondary Education (BSE), Chhattisgarh *vide* order No. 35/ vidyo/ 2015 dated 07/03/2015 as well as letter no. 329/vidyo/sam/2016 dated 09/12/2016 has mentioned that due to cancellation of temporary equivalence, keeping in mind the interest of the students who had been studying in Secondary (Class X) and Higher Secondary (Class XII) of Board of School & Technical Education, Bilaspur before 07.03.2015 have been allowed, as per rule, to appear as private candidates in examination conducted by Chhattisgarh Board of Secondary Education Raipur. The temporary equivalence granted to the BSTECG Bilaspur was withdrawn w.e.f. 07.03.2015".

6. It is clear from the above that final withdrawal of temporary equivalence granted to the Board of School and Technical Education, Bilaspur was w.e.f 07.03.2015. Further, the matriculation certificate was issued by the aforesaid board to Sh. Amarnath on 30.08.2014.

7. It is a settled position of law that withdrawal of recognition or derecognition of an institution cannot operate retrospectively so as to invalidate a qualification already acquired, as held by the Hon'ble Punjab and Haryana High Court in CWP No. 4994 of 1998, Ex. L/NK Jai Singh v. Union of India & others, decided on 05.08.1999.

Now therefore, after considering the facts of the case, material on record, and the settled legal position, the Commission is of the considered view that Sh. Amarnath possessed the requisite educational qualification at the relevant time and is not subject to disqualification under Section 13-A(1) (h) of the Haryana Municipal Act, 1973 as well as under Rule 21 (p) of the Haryana Municipal Elections Rules, 1978.

Panchkula:
The 30th January, 2026.

DEVINDER SINGH KALYAN,
State Election Commissioner, Haryana.

12383—C.S.—H.G.P., Pkl.